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ABSTRACT

On February 19, 1942, at the height of U.S. involvement in World War II, President Roosevelt authorized military leaders within the War Department to place all Japanese Americans residing on the West Coast in detention camps. The following months saw the relocation of some 120,000 Japanese Americans, of whom 77,000 were U.S. citizens. The decision to relocate Japanese Americans raises many compelling questions about the workings of U.S. justice during crisis periods such as World War II. What if, after the war, an international tribunal had put the U.S. government on trial for violating the human rights of Japanese American citizens? In this lesson, students enact such a trial by means of researching documents, photos, and materials available on the World Wide Web. Students will act these roles: judges, historians, prosecution, defense, witnesses, media, and protestors. Students are provided with background information, detailed instructions, and online and print resources. The teacher's notes describe the unit's purpose and explain the application of history/social science standards. (BT)

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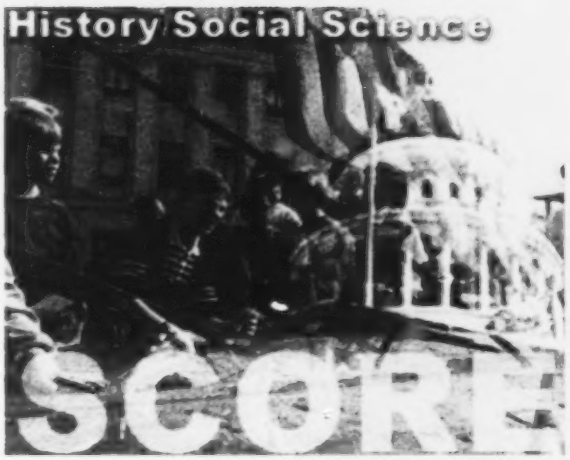

Schools of California Online Resources for Education (SCORE): Connecting California's Classrooms to the World

AMERICAN JUSTICE ON TRIAL

11th Grade Lesson by Geoff Lillich

SCORE
San Berardino County Superintendent of Schools
601 North E. Street
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http://score.rims.k12.ca.us/activity/internment/index.html

1999

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American Justice on Trial

"How could such a tragedy have occurred in a democratic society that prides itself on individual rights and freedoms"
Milton Eisenhower,
Director of the War Relocation Board

Historical Background

On February 19, 1942, at the height of U.S. involvement in World War II, President Roosevelt authorized military leaders within the War Department to place all Japanese Americans residing on the West Coast in detention camps. The following months witnessed the relocation of some 120,000 Japanese Americans, of whom 77,000 were official American citizens. Although the order was employed only against Japanese Americans, it actually empowered the War Department to evacuate and imprison any American citizen without the time-honored right to a fair trial. These two factors&shyp;&shyp;the harsh treatment of Japanese Americans (many of whom were fourth-generation citizens), and the power of the Army to imprison without trial any American citizen&shyp;&shyp;constituted a fundamental challenge to the tradition of civil liberties long viewed as fundamental to America's democratic system. For this reason, the story of Japanese American internment is well worth our attention.

The decision to relocate Japanese Americans raises many compelling questions about the workings of American justice during crisis periods such as World War II. The matter becomes particularly intriguing when considered in light of the fact that, through the entire war, no Japanese American citizen was ever convicted of spying for Japan. Nobody can deny the hardships and humiliations suffered by Japanese Americans as a result of the government's extreme actions; however, a complete explanation of events surrounding this controversial episode must also account for the wartime context in which they occurred. America's war against Japan began with the Japanese bombing of Pearl Harbor

on December 7, 1941, and was still being waged in full force when Roosevelt made his fateful decision regarding Japanese Americans in February of 1942. Roosevelt's top priority was winning the war, a view that was shared by an overwhelming majority of Americans. We must remember that the U.S. citizenry, along with those of other allied countries, had every reason to be fearful of Japan because of its military sucesses against us and its alliance with Germany and the other axis powers. This concern prompted Roosevelt to defer to military leaders on an issue which normally would have been decided within the Justice Department. Indeed, the issue of Japanese American internment gave rise to an intense debate that pitted top military men against leaders of the Justice Department who voiced their opposition to the relocation plan in strong terms.

Restricted and Prohibited Military Zones in the U.S. (Map) Attached
http://score.rims.k12.ca.us/activity/internment/image2.gif

Imagine this:

What if, after the war, an international tribunal had put the United States government on trial for violating the human rights of Japanese American citizens? Could the American government have successfully defended itself against such an accusation? What specific charges might such an international body bring against the U.S., and on what basis might the government defend its actions as being justifiable?

The Task

You will enact such a trial by means of research done with documents, photos and materials available on the World Wide Web. During the initial research phase, the class will be divided into the groups listed below. Each of these groups will receive specific instructions describing their research tasks and their role in the trial.

- Five judges (Japanese-American, American, British, French, and Russian).
- Five historians
- Three prosecutors
- Three defense lawyers
- Twelve witnesses
- Four media representatives
- Four protesters

The following questions should be carefully considered during the trial process. Each student will turn in answers to these questions at the trial's conclusion.

1. What specific sources of military intelligence both before and after the Pearl Harbor attack led American decisionmakers to believe that Japanese Americans represented a threat to the U.S. war effort?

2. Did any high-level government officials ever attempt to justify relocation as a protective measure for Japanese Americans that was necessary because of the heightened racial

friction induced by wartime tensions? If so, do you feel there was any validity to this claim? Explain your answer.

3. Japanese Americans of the World War II era are often described by the terms "Issei," "Nisei," and "Kibei." Explain these terms. How loyal were each of these groups toward the American government during the war against Japan?

4. Where were the internment camps located? What sort of living conditions did the internees experience within the camps, and what was the length of their confinement?

5. What happened to the businesses, land, homes, and personal possessions of the relocated Japanese Americans?

6. Can you describe some specific incidents or conflicts which took place between Japanese Americans and government officials during the war?

7. What constitutional rights, if any, were violated by the federal government? Did the federal government ever formally acknowledge that the rights of Japanese Americans had been violated? Did the government ever attempt to compensate Japanese Americans for wrongs suffered during the war?

8. Do you feel that the decision to relocate Japanese Americans was justified because it occurred during a time of war?

Process

- First meet with the other members of your group and read through the directions that appear on the "Group Instructions" page shown below. Then, based on those instructions, your group can begin the research that will produce information needed for the trial. During this initial research stage, feel free to convene with other groups whose research might in some way overlap with yours.

- Once the research phase is well under way, a general meeting including all class members should be held to set guidelines for the trial. Items discussed at this meeting should include: a witness list (for both prosecution and defense); time limits (for opening statements, witness interrogations, rebuttals, conferences, etc.); and final judgement criteria.

- On the day of the trial, each student will carry out his or her role in the proceedings, and then judges will render their final verdict.

Group Instructions

Judges: Each judge should research the legal system of the country he represents. Then judges will decide together the trial format and judgement criteria.

Historians: This group has a unique responsibility because they must stay completely neutral during the trial. All groups can call upon them for assistance in researching material needed for their role in the trial. In their role as "specialists," historians can be granted access to sources that are unavailable to other groups. The teacher should work closely with the historians to insure that their responsibilities are properly carried out.

Prosecutors: One of the major goals of this group will be to decide on the charges against the United States government. In so doing, they will have to examine the Constitution itself, as well as any specific laws that might be relevant to this case. They also will need to compile a list of key witnesses, and determine the best order in which to call them to the witness stand. To build a convincing case, this group will need to acquire a strong knowledge of relevant events occurring both before and after the Japanese attack on Pearl Harbor.

Defense: The government will provide its defense lawyers with ample resources and assistance. However, in order to maintain credibility the defense team must take care not to utilize evidence that will show an obvious bias in favor of the accused. They must also avoid using evidence to which the prosecution does not have access. A knowledge of the Constitution is a basic cornerstone to the defense, especially the section(s) pertaining to wartime circumstances.

Witnesses: Witnesses are responsible for researching biographical information on the individual characters they will play. Both the prosecution and defense teams may call on witnesses more than once if necessary. It is suggested that friendly witnessed work closely with lawyers so that their presentations will be well-informed, and so that opposing lawyers will be challenged to perform well during cross-examinations. In establishing their characters, witnesses should pay attention to details such as accents, cultural customs, political biases, etc. Their strong acting performances will add much color to the trial proceedings.

Media: These individuals will act as reporters submitting daily articles or holding video interviews with key people in the trial. The task is to acquire "scoops" from reliable sources, and build them into headline feature articles. At the outset of the trial, media representatives will be allowed to observe the court proceedings. However, judges can exclude them later if it becomes necessary for any reason.

Protestors: This group shall assume the roles of individuals from other underrepresented or

disadvantaged groups who feel that their rights were also violated by the government. They can engage in various kinds of disruptive protest, and should be aware that their actions can have tremendous influence on the trial's outcome.

Resources

Assembly, Relocation and Internment Centers in the U.S. (Map) Attached
http://score.rims.k12.ca.us/activity/internment/image3.gif

World Wide Web sources:

Japanese American Internment http://www.geocities.com/Athens/8420/main.html
Life in Relocation Camps http://www.kent/wednet.edu/KSD/SJ/Nikkei/RelocationCamps.html
War Relocation Authority Camps in Arizona, 1942-1946 http://www.library.arizona.edu/images

Bibliographic Resources:

Stetson Conn, *The Decision to Evacuate the Japanese from the Pacific Coast* (1994). See especially p. 128.

Roger Daniels, "Relocation, Redress, and the Report&shyp;&shyp;An Historical Appraisal," in Roger Daniels, et. al., *Japanese Americans: From Relocation to Redress*

Roger Daniels, Sandra Taylor, and Harry Kitano, eds., *Japanese Americans, from Relocation to Redress* (Salt Lake City: University of Utah Press, 1986).

Audrie Girdner and Anne Loftis, *The Great Betrayal* (London: The MacMillan Company, 1969). See especially p. 243.

Leslie T. Hatamiya, *Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988* (Stanford, CA: Stanford University Press, 1993).

Frank and Joanne Iritani, *Ten Visits: Brief Accounts of Visits to All Ten Japanese American Relocation Centers of World War II* (San Mateo, CA: Asian American Curriculum Project, Inc., 1995)

Tetsuden Kashima, "American Mistreatment of Internees During World War II: Enemy Alien Japanese," in Roger Daniels, et. al., *Japanese Americans: From Relocation to Redress.*

Geoffrey S. Smith, "Racial Nativism and the Origins of Japanese American Relocation," in Roger Daniels, et. al., *From Relocation to Redress*, pp. 79-85.

Edward Spicer, Asael Hansen, Katherine Luomala, Marvin Opler, *Impounded People: Japanese-Americans in the Relocation Centers* (Tuscon, AZ: University of Arizona Press, 1969), p. 137.

Dorothy Swaine Thomas, *The Salvage* (Berkeley, CA: University of California Press, 1952), pp. 84, 88.

Dorothy Swaine Thomas and Richard S. Nishimoto, *The Spoilage* (Berkeley, CA: University of California Press, 1946), p. 56.

Yoshiko Uchida, *Desert Exile* (Seattle: University of Washington Press, 1982)

University of Arizona Library, *WRA Exhibit&shyp;&shyp;Building the Relocation Camps*, ©1995

Michi Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps* (New York: Morrow Quill Paperbacks, 1976), p. 84.

Learning Advice

As you begin preparations for the trial, keep in mind that the issue of Japanese American internment during World War II persists as a source of controversy and debate even to this day. The issue is kept alive in part by Japanese American citizens who have sought financial and political compensation for the wrongs committed against their families during the war. But the matter remains relevant for all other U.S. citizens as well because it is so heavily weighted with unresolved questions about the workings of American justice. The justice system exists to protect established rights of all citizens, and also to check the power that we bestow upon our government. How can these mechanisms of justice be maintained during periods of political crisis? This burning question clearly concerns the welfare of all Americans.

The trial process is intended to assist you in addressing such questions with the confidence that you understand the political and philosophical issues involved. The success of the trial depends very much on the essential contributions of all groups involved. During initial group discussions, individual research tasks to be carried out by each student should be established and agreed upon. It is vital that you, as participants in this project, carry out your research assignments thoroughly, and that you listen carefully to the presentations and arguments offered by members of the other groups. Though you might not agree with the final verdict of the tribunal, it is through your efforts that you will acquire insight into the larger issues of justice that this activity addresses.

Evalutation

Evaluation shall be based on the degree of each student's participation in the trial, and also on the quality of research contributions. The organizational procedures of each group and the information offered during presentation and argumentation phases of the trial will serve as a basis for this evaluation. Your objective should be to gain insights into the important issues described above, for it is these personal insights that will equip you to evaluate and take your stand on future issues as they concern your welfare&shyp;&shyp;even those issues which are national or international in their scope. The grade you receive will reflect your ability to share your valuable insights, first with other class members during the course of the trial, and then with the teacher in your written responses to the list of questions presented earlier.

Conclusion

The American political system provides considerable personal rights and freedoms for U.S. citizens. However, as the story of Japanese American internment reminds us, we should not simply assume that our rights will always be secure. Instances of crisis can produce unexpected circumstances in which the government might seek to curtail our legal rights. We might willingly consent to such a measure if we are convinced that it is necessary for our greater protection; but it is also conceivable that the government might take such a step against our wishes. For this reason, we must be prepared to defend these established rights should the need arise, and the best way to prepare is to educate ourselves on the workings of government. Some specific questions that you might wish to consider at this point are: What have we learned from this activity about the way the trial system works? Are our individual rights adequately protected by the Constitution in its present form? Are there any circumstances, such as times of war, when the government should be entitled to limit personal freedoms of American citizens? Is it desirable, or even possible, to establish an international authority such as the tribunal organized for this activity where citizen groups can turn for redress when they feel their rights have been violated? Does such an international body presently exist? These kinds of questions help us link important historical issues to our present circumstances in meaningful ways. The trial exercise will hopefully encourage you to give them careful consideration.

Teacher Notes

Grade Level/Unit:

- Grade Eleven: World War II and Its Consequences
- Grade Twelve: Principals of a Civil Society

H/SS Content Standards:

11.7 Students analyze the American participation in World War II, in terms of:

5.the constitutional issues and impact of events on the U.S. home front, including the internment of Japanese Americans (e.g., Fred Korematsu v. United State of America) and the restrictions on German and Italian resident aliens; the response of the administration to Hitler's atrocities against Jews and other groups; the role of women in military production; the role and growing political demands of African Americans

12.3 Students evaluate, take and defend positions on what the fundamental values and principles of civil society are (i.e., the autonomous sphere of

voluntary personal, social, and economic relations not part of government), their interdependence, and meaning and importance for a free society, in terms of:

4.comparisons between the relationship of government and civil society in constitutional democracies and the relationship of government and civil society in authoritarian and totalitarian regimes

Historical and Social Science Analysis Skills Grades 6-8

Chronological and Spatial Thinking

1.students compare the present with the past, evaluating the consequences of past events and decisions and determining the lessons learned

Purpose of Lesson: This lesson is designed to raise students' awareness of events surrounding Japanese American internment during World War II, as well as the political and human rights issues that are associated with this episode. It is based on a mock trial in which the the United States government is being prosecuted for its actions by an international tribunal. The activity can benefit students on a practical level by familiarizing them with the workings of the American legal system, and also by increasing their awareness of rights built into the Constitution which are relevant to their own lives.

Length of Lesson: The lesson is designed to last ten to fifteen class hours, but this time length can fairly easily be extended or decreased at the discretion of the instructor.

Reading Level: Medium to high

Credits

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School District
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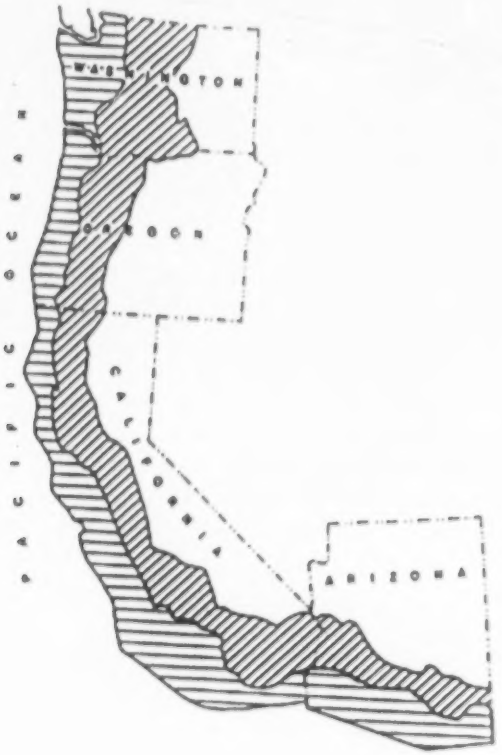
RESTRICTED AND PROHIBITED MILITARY ZONES IN THE U.S. DURING WORLD WAR II



Prohibited Zone =

Restricted Zone =

Adapted from U.S. War Department. Final Report: Japanese Evacuation from the West Coast 1942, figure 8

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ASSEMBLY, RELOCATION AND INTERNMENT CENTERS IN THE U.S. DURING WORLD WAR II

Assembly Centers = ○ Relocation Centers = ■ Internment Camps = ●

Citizen Isolation Camps = A

Source: Weglyn, Michi. **Years of Infamy: The Untold Story of America's Concentration Camps.** New York: William Morrow Co., 1976

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